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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,938	03/19/2004	John Link	10031165-1	8132

7590 02/25/2008
AGILENT TECHNOLOGIES, INC.
Legal Department, DL 429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

CROW, ROBERT THOMAS

ART UNIT	PAPER NUMBER
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1634

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10804938	3/19/2004	LINK ET AL.	10031165-1

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EXAMINER

Robert T.. Crow

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Commissioner for Patents

The Reply Brief filed 4 February 2008 has been entered and considered but is not found persuasive.

Appellant asserts on pages 2-3 of the Reply Brief that a membrane is not an obvious substitution for a glass wool plug, citing definitions from the American Heritage Dictionary for both "wool" and "membrane."

However, this argument is not persuasive because the dictionary at p2pays.org defines a membrane as "a microporous structure that acts as a highly efficient filter that allows passage of water, but rejects suspended solids and colloids; depending on membrane type, ions and small molecules might or might not be rejected." The glass wool of Sambrook et al is thus a membrane because it serves to permit passage of particles of only a certain size; i.e., the glass wool retains the chromatographic media.

Appellant also asserts on pages 3-4 of the Reply Brief that one of ordinary skill in the art would not be motivated to view a membrane and glass wool as equivalent.

However, as noted above, glass wool retains particles of a certain size, and a membrane as defined by p2pays.org also retains particles of a certain size by rejecting suspended solids and colloids. Thus, the glass wool is equivalent to a membrane.

Appellant argues on page 4 of the Remarks that the membranes are limited to ones that do not include an active binding agent.

However, as detailed on pages 9-10 of the Examiner's Answer mailed 4 December 2007, while the membrane is limited to one of the materials of the cited group, the open claim language found in the phrase "said cRNA isolation column comprises a membrane" encompasses any additional material in the column, including active binding agents. As noted in the rejections presented above in Section (9) above, Sambrook et al teach RNA chromatography is performed in a Pasteur pipette comprising a membrane in the form of a glass wool plug and oligo(dT) cellulose (page 7.26, step 2). The column therefore comprises a membrane in the form of a glass wool plug. The oligo (dT) cellulose is a component of the column that is separate from and in addition to the membrane because Sambrook et al explicitly state in step 2 of page 7.26 that the column is "plugged" with sterile glass wool. The "plugging" of the column thus prevents passage of the oligo-(dT)-cellulose and also prevents passage of any precipitates precisely by acting as a physical barrier; i.e., as a membrane as defined above.

This Reply Brief has been forwarded to the board of Patent Appeals and Interferences for decision on the appeal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert T. Crow whose telephone number is (571)272-1113. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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